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EXAMINER
SIPPLE IV, EDWARD C

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/538,101	NEWTON ET AL.
Office Action Summary	Examiner	Art Unit	
	EDWARD C. SIPPLE IV	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
    WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 June 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-28</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>06/08/2005</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>6/8/05, 5/1/06</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   **Claim 28** Lines 4-5 recites the limitation, "said advertisement control software". There is insufficient antecedent basis for this limitation in the claim. For the remainder of this office action, "said advertisement control software" will be treated as "an advertisement control software".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   **Claim 20** recites the limitation "The apparatus of Claim 19 wherein". Claim 20 is drawn to a different statutory class from which it depends, in that Claim 20 appears to be drawn to an apparatus and Claim19 (from which Claim 20 depends) is a method claim. As such, it is unclear as whether Claim 20 is drawn to an apparatus or a method. For the purpose of examination, the examiner will treat Claim 20 as a method.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1**, **8**, **15** and **22** are rejected under 35 U.S.C. 102(e) as being anticipated

by Corvin (US Patent Application Publication 2001/0054181).

For independent **Claim 1**, Corvin teaches:

an apparatus (Figure 1 Element 15) in a video display system (Fig. 1) that

is capable of displaying video programs with advertisements on a plurality of

channels (Fig. 1, with Paragraph [0020] Lines 11-13 and Paragraph [0028] Lines

1-5), wherein said apparatus is capable of preventing a viewer of a video

program with advertisements from switching from a first channel to a second

channel when an advertisement is displayed on said first channel (Paragraph

[0028] Lines 14-19).

For independent **Claim 8**, Corvin teaches:

a video display system (Fig. 1) that is capable of displaying video

programs with advertisements on a plurality of channels (Fig. 1, with Paragraph

[0020] Lines 11-13 and Paragraph [0028] Lines 1-5), said video display system

comprising an apparatus that is capable of preventing a viewer of a video

program with advertisements from switching from a first channel to a second

channel when an advertisement is displayed on said first channel (Paragraph

[0028] Lines 14-19).

For independent **Claim 15**, Corvin teaches:

a method for requiring a viewer of a video program to watch

advertisements in said video program (see Abstract), said method comprising the

steps of:

displaying video programs with advertisements on a plurality of channels in a video display system (Fig. 1, with Paragraph [0020] Lines 11-13 and Paragraph [0028] Lines 1-5); and

preventing said viewer from switching from a first channel to a second channel when an advertisement is displayed on said first channel (Paragraph [0028] Lines 14-19)

For independent **Claim 22**, Corvin teaches:

computer-executable instructions stored on a computer-readable storage medium (Paragraph [0019] Lines 1-4, note Corvin teaches a hard disk drive, and for example, in Claim 37 a processor that prevents a television viewer from changing channels) for requiring a viewer of a video program to watch advertisements in said video program (Fig. 3 Elem. 35), said computer executable instructions comprising the steps of:

displaying video programs with advertisements on a plurality of channels in a video display system (Fig. 1, with Paragraph [0020] Lines 11-13 and Paragraph [0028] Lines 1-5, note in Claims 17 and 37 Corvin teaches a processor performing the method of the invention, which requires computer-executable instructions stored on a computer-readable storage medium); and preventing said viewer from switching from a first channel to a second channel when an advertisement is displayed on said first channel (Paragraph [0028] Lines 14-19, with Claim 37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 2, 3, 9, 10, 16, 17, 23** and **24** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Corvin (US Patent Application Publication 2001/0054181) in

view of Wachtfogel (US Patent Application Publication 2007/0067800).

For **Claim 2**, over what was discussed in Claim 1, Corvin further teaches:

the apparatus as claimed in Claim 1 wherein said video display system is

capable of displaying a recorded video program with advertisements (Paragraph

[0018] Lines 3-9, and Paragraph [0019] Lines 1-9, note Corvin teaches both the

recording of video programs and advertisements, and the displaying video

programs and advertisements)

Corvin does not teach:

said apparatus is further capable of preventing a viewer of said recorded

video program from fast forwarding said recorded video program to skip past

advertisements in said recorded video program

Wachtfogel teaches:

an apparatus (Fig. 1B Elem. 10) capable of preventing a viewer of said

recorded video program (Paragraph [0159] Lines 1-4 teaches that programs

are recorded) from fast-forwarding said recorded video program to skip past

advertisements in said recorded video program (Paragraph [0181])

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the fast forwarding prevention feature taught

by Wachtfogel, within the recoded video displaying apparatus taught by Corvin, in order

to force advertisements upon viewers (Corvin: Paragraph [0006]).

For **Claim 3**, over what was discussed in Claim 2, Corvin teaches:

an apparatus executing advertisement control software to take control of a

channel changing function (Paragraph [0028] Lines 15-18 with Claim 37)

Corvin does not expressly teach the detailed structure imparting the forced

advertising functionality, specifically:

an advertisement controller;

a memory coupled to said advertisement controller;

advertisement control software within said memory;

wherein said advertisement controller is capable of executing said

advertisement control software to take exclusive control of one of: a channel

switching function of said video display system and a fast forwarding function of

said video display system

Wachtfogel teaches:

an advertisement controller (Fig. 1B Elem. 45);

a memory coupled to said advertisement controller (the processor [Elem.

45] would necessarily comprise onboard memory);

advertisement control software within said memory (Fig. 1B Elem. 150 with Paragraph [0168], note Elem. 150 is the advertisement control module of the processor Elem. 45).

wherein said advertisement controller is capable of executing said advertisement control software to take exclusive control of a fast forwarding function of said video display system (Paragraphs [0168-0169] with Paragraph [0181] Lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of requiring a viewer to watch advertisements performed by the apparatus taught by Corvin, using the advertisement controller and associated advertisement control software taught by Wachtfogel, in order to implement the desirable forced advertising functionality in software, so that the apparatus functionality can be more readily updated.

For **Claim 9**, over what was discussed in Claim 8, Corvin further teaches:

the video display system as claimed in Claim 8 wherein said video display system is capable of displaying a recorded video program with advertisements (Paragraph [0018] Lines 3-9, and Paragraph [0019] Lines 1-9, note Corvin teaches both the recording of video programs and advertisements, and the displaying of video programs and advertisements)

Corvin does not teach:

said apparatus is further capable of preventing a viewer of said recorded video program from fast forwarding said recorded video program to skip past

advertisements in said recorded video program

Wachtfogel teaches:

an apparatus (Fig. 1B Elem. 10) capable of preventing a viewer of said recorded video program (Paragraph [0159] Lines 1-4 teaches that the programs are recorded) from fast-forwarding said recorded video program to skip past advertisements in said recorded video program (Paragraph [0181])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the fast-forwarding prevention feature taught by Wachtfogel, within the recoded video displaying system taught by Corvin, in order to force advertisements upon viewers (Corvin: Paragraph [0006]).

For **Claim 10** over what was discussed in Claim 9, Corvin teaches:

an apparatus executing advertisement control software to take control of a channel changing function (Paragraph [0028] Lines 15-18 with Claim 37)

Corvin does not expressly teach the detailed structure imparting the forced advertising functionality, specifically:

an advertisement controller;

a memory coupled to said advertisement controller;

advertisement control software within said memory; wherein said advertisement controller is capable of executing said advertisement control software to take exclusive control of one of: a channel switching function of said video display system and a fast-forwarding function of said video display system

Wachtfogel teaches:

an advertisement controller (Fig. 1B Elem. 45);

a memory coupled to said advertisement controller (the processor [Elem. 45] would necessarily comprise onboard memory);

advertisement control software within said memory (Fig. 1B Elem. 150 with Paragraph [0168], note Elem. 150 is the advertisement control module of the processor Elem. 45).

wherein said advertisement controller is capable of executing said advertisement control software to take exclusive control of a fast-forwarding function of said video display system (Paragraphs [0168-0169] with Paragraph [0181] Lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of requiring a viewer to watch advertisements performed by the video system taught by Corvin, using the advertisement controller and associated software taught by Wachtfogel, in order to implement the desirable forced advertising functionality in software, so that the apparatus functionality can be more readily updated.

For **Claim 16**, over what was discussed in Claim 15, Corvin further teaches:

the method as claimed in Claim 15 further comprising the steps of: displaying a recorded video program with advertisements on said video display system; (Paragraph [0018] Lines 3-9, and Paragraph [0019] Lines 1-9, note Corvin teaches both the recording of video programs and advertisements, and the displaying of video programs and advertisements);

Corvin does not teach:

preventing a viewer of said recorded video program from fast-forwarding
said recorded video program to skip past advertisements in said recorded video
program

Wachtfogel teaches:

preventing a viewer of a recorded video program (Paragraph [0159] Lines
1-4 teaches that the programs are recorded) from fast-forwarding said recorded
video program to skip past advertisements in said recorded video program
(Paragraph [0181]).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to combine the advertisement skipping prevention method
taught by Wachtfogel, within the recoded video displaying method taught by Corvin, in
order to force advertisements upon viewers (Corvin: Paragraph [0006]).

For **Claim 17** as discussed in Claim 16, Corvin teaches:

a system executing advertisement control software to take control of a
channel changing function (Paragraph [0028] Lines 15-18 with Claim 37)

Corvin does not expressly teach the detailed structure imparting the forced
advertising functionality, specifically:

providing an advertisement controller in said video display system;

coupling a memory to said advertisement controller;

providing advertisement control software within said memory;

executing said advertisement control software with said advertisement
controller to take exclusive control of a fast-forwarding function of said video
display system

Wachtfogel teaches:

providing an advertisement controller in said video display system (Fig. 1B
Elem. 45);

coupling a memory to said advertisement controller (the processor [Elem.
45] would necessarily comprise onboard memory);

providing advertisement control software within said memory (Fig. 1B
Elem. 150 with Paragraph [0168], note Elem. 150 is the advertisement control
module of the processor Elem. 45).

executing said advertisement control software with said advertisement
controller to take exclusive control of a fast-forwarding function of said video
display system (Paragraphs [0168-0169] with Paragraph [0181] Lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to implement the method of requiring a viewer to watch
advertisements taught by Corvin, using the advertisement controller and associated
software taught by Wachtfogel, in order to implement the desirable forced advertising
functionality in software, so that the process can be more readily updated.

For **Claim 23**, over what was discussed in Claim 22, Corvin further teaches:

the computer-executable instructions stored on a computer-readable
storage medium as claimed in Claim 22 wherein said computer-executable

instructions further comprise the steps of:

displaying a recorded video program with advertisements (Paragraph [0018] Lines 3-9, and Paragraph [0019] Lines 1-9, note Corvin teaches both the recording of video programs and advertisements, and the displaying of video programs and advertisements)

Corvin does not teach:

computer-executable instructions for preventing a viewer of said recorded video program from fast forwarding said recorded video program to skip past advertisements in said recorded video program

Wachtfogel teaches:

an apparatus (Fig. 1B Elem. 10, note the system of Wachtfogel is implemented using a processor [executing computer instructions], as seen in Fig. 1B Elem. 45) capable of preventing a viewer of said recorded video program (Paragraph [0159] Lines 1-4 teaches that the programs are recorded) from fast-forwarding said recorded video program to skip past advertisements in said recorded video program (Paragraph [0181])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the fast-forwarding prevention feature implemented using computer-executable instructions as taught by Wachtfogel, within the computer-executable instructions used by the system taught by Corvin. in order to force advertisements upon viewers (Corvin: Paragraph [0006]).

For **Claim 24**, over what was discussed in Claim 23, Corvin further teaches:

an apparatus executing advertisement control software to take control of a

channel changing function (Paragraph [0028] Lines 15-18, with Claim 37)

Corvin does not expressly teach the details operative details of the structure

imparting the forced advertising functionality, specifically:

accessing advertisement control software that is located within a memory

coupled to an advertisement controller in said video display system; and

executing said advertisement control software with said advertisement

controller to cause said advertisement controller to take exclusive control of

of a fast-forwarding function of said video display system

Wachtfogel teaches:

accessing advertisement control software (Fig. 1B Elem. 150 with

Paragraph [0168], note Elem. 150 is the advertisement control module of the

processor Elem. 45) that is located within a memory (the processor [Elem.

45] would necessarily comprise onboard memory) coupled to an advertisement

controller in said video display system (Fig. 1B Elem. 45); and

executing said advertisement control software with said advertisement

controller to cause said advertisement controller to take exclusive control of

of a fast forwarding function of said video display system (Paragraphs [0168-

0169] with Paragraph [0181] Lines 1-8)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to implement the method of requiring a viewer to watch

advertisements taught by Corvin, using the advertisement controller and advertisement

control software taught by Wachtfogel, in order to implement the desirable forced

advertising functionality in software, so that the process can be more readily updated.

5.   Claims 4-6, 11-13, 18-20 and 25-27 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Corvin (US Patent Application Publication 2001/0054181) in

view of Wachtfogel (US Patent Application Publication 2007/0067800) further in view of

De Ceulaer (US Patent 6,993,727).

        For Claim 4 over what was discussed in Claim 3, the combination of Corvin and

Wachtfogel teach:

        an application capable receiving a first control signal (Wachtfogel:

Paragraph [0174]) and a second control signal (Wachtfogel: Paragraphs [0173]

and [0182])

        in response to receiving said first control signal, causing said application

to take exclusive control of said fast forwarding function (Wachtfogel:

Paragraph [0181]); and

        in response to receiving said second control signal, causing said

application to release said exclusive control of said one of said fast forwarding

function (Wachtfogel: Paragraph [0182]).

Corvin in view of Wachtfogel does not teach:

        providing a Multimedia Home Platform system and Multimedia Home

Platform application manager in said advertisement control software; and that

said application is a Multimedia Home Platform application;

De Ceulaer teaches:

providing a Multimedia Home Platform system (Column 1 Lines 12-15, i.e., a MHP set-top box) and a Multimedia Home Platform application manager (Fig. 1 Elem. 4 with Col. 6 Lines 38-43); and

a Multimedia Home Platform application controlling the tuner of a set-top box (Col. 5 Lines 29-34 with Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the disabling and releasing of the channel switching function in response to first and second control signals as taught by Corvin in view of Wachtfogel, using a Multimedia Home Platform application as taught by De Ceulaer, in order to make said disabling and releasing of channel switching functionality an application which is portable across devices with different operating systems and drivers (De Ceulaer: Col. 5 lines 23-30).

For **Claim 5** over what was discussed in Claim 4, Wachtfogel further teaches:

broadcaster parameters may be associated with commercials which prevent the skipping of those commercials (Paragraphs [0169- 0170]); and

a user set of parameters associated with video content may override a broadcaster set of parameters associated with the video content (Paragraph [0133] Lines 1-3, which reads on providing a second application, where application is merely a difference of software)

Corvin in view of Wachtfogel does not teach:

a second application that is capable of preventing said first Multimedia

Home Platform application from obtaining exclusive control of said fast

forwarding function

De Ceulaer further teaches:

multiple set-top box MHP applications may be run on a MHP platform

(Col. 5 Lines 23-30); and

a MHP application may control the tuner of a set-top box (Col. 6 Lines 38-

44)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide a second MHP application in said advertisement

control software, which overrides said first MHP application's control of the fast

forwarding function, in order to release control of the fast forwarding function when

users pay for the right to fast forward through advertisements (Wachtfogel: Paragraph

[0184]).

For **Claim 6** as was discussed in Claim 5, Corvin in view of Wachtfogel further in

view of De Ceulaer teaches or suggests that said second application be a Multimedia

Home Platform application.

For **Claim 11** over what was discussed in Claim 10, the combination of Corvin

and Wachtfogel teach:

an application capable receiving a first control signal (Wachtfogel:

Paragraph [0174]) and a second control signal (Wachtfogel: Paragraphs [0173]

and [0182])

in response to receiving said first control signal, causing said application

to take exclusive control of said fast forwarding function (Wachtfogel:

Paragraph [0181]); and

in response to receiving said second control signal, causing said

application to release said exclusive control of said one of said fast forwarding

function (Wachtfogel: Paragraph [0182]).

Corvin in view of Wachtfogel does not teach:

providing a Multimedia Home Platform system and Multimedia Home

Platform application manager in said advertisement control software; and that

said application is a Multimedia Home Platform application;

De Ceulaer teaches:

providing a Multimedia Home Platform system (Column 1 Lines 12-15, i.e.,

a MHP set-top box) and a Multimedia Home Platform application manager (Fig. 1

Elem. 4 with Col. 6 Lines 38-43); and

a Multimedia Home Platform application controlling the tuner of a set-top

box (Col. 5 Lines 29-34 with Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to implement the disabling and releasing of the channel

switching function in response to first and second control signals as taught by Corvin in

view of Wachtfogel, using a Multimedia Home Platform application as taught by De

Ceulaer, in order to make said disabling and releasing of channel switching functionality

an application which is portable across devices with different operating systems and

drivers (De Ceulaer: Col. 5 lines 23-30).

For **Claim 12** over what was discussed in Claim 11, Wachtfogel further teaches:

broadcaster parameters may be associated with commercials which

prevent the skipping of those commercials (Paragraphs [0169 - 0170]); and

a user set of parameters associated with video content may override a

broadcaster set of parameters associated with the video content (Paragraph

[0133] Lines 1-3, which reads on providing a second application, where

application is merely a difference of software)

Corvin in view of Wachtfogel does not teach:

a second application that is capable of preventing said first Multimedia

Home Platform application from obtaining exclusive control of said fast

forwarding function

De Ceulaer further teaches:

multiple set-top box MHP applications may be run on a MHP platform

(Col. 5 Lines 23-30); and

a MHP application may control the tuner of a set-top box (Col. 6 Lines 38-

44)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide a second MHP application in said advertisement

control software, which overrides said first MHP application's control of the fast

forwarding function, in order to release control of the fast forwarding function when

users pay for the right to fast forward through advertisements (Wachtfogel: Paragraph [0184]).

For **Claim 13** as was discussed in Claim 12, Corvin in view of Wachtfogel further in view of De Ceulaer teaches or suggests that said second application be a Multimedia Home Platform application.

For **Claim 18** over what was discussed in Claim 17, the combination of Corvin and Wachtfogel teach:

an application capable receiving a first control signal (Wachtfogel: Paragraph [0174]) and a second control signal (Wachtfogel: Paragraphs [0173] and [0182])

in response to receiving said first control signal, causing said application to take exclusive control of said fast forwarding function (Wachtfogel: Paragraph [0181]); and

in response to receiving said second control signal, causing said application to release said exclusive control of said one of said fast forwarding function (Wachtfogel: Paragraph [0182]).

Corvin in view of Wachtfogel does not teach:

providing a Multimedia Home Platform system and Multimedia Home Platform application manager in said advertisement control software; and

said application is a Multimedia Home Platform Application;

De Ceulaer teaches:

   providing a Multimedia Home Platform system (Column 1 Lines 12-15, i.e.,

a MHP set-top box) and a Multimedia Home Platform application manager (Fig. 1

Elem. 4 with Col. 6 Lines 38-43); and

   a Multimedia Home Platform application controlling the tuner of a set-top

box (Col. 5 Lines 29-34 with Col. 6 Lines 38-44)

  Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to implement the disabling and releasing of the channel

switching function in response to first and second control signals as taught by Corvin in

view of Wachtfogel, by providing a Multimedia Home Platform application as taught by

De Ceulaer, in order to make said disabling and releasing of channel switching

functionality an application which is portable across devices with different operating

systems and drivers (De Ceulaer: Col. 5 lines 23-30).

  For **Claim 19** over what was discussed in Claim 18, Wachtfogel further teaches:

   broadcaster parameters may be associated with commercials which

prevent the skipping of those commercials (Paragraphs [0169- 0170]); and

   a user set of parameters associated with video content may override a

broadcaster set of parameters associated with the video content (Paragraph

[0133] Lines 1-3, which reads on providing a second application, where

application is merely a difference of software)

Corvin in view of Wachtfogel does not teach:

   providing a second application in said advertisement control software; and

   causing said second application to prevent said first Multimedia Home

Platform application from obtaining exclusive control of said fast forwarding

function

De Ceulaer further teaches:

    multiple set-top box MHP applications may be run on a MHP platform

(Col. 5 Lines 23-30); and

    a MHP application may control the tuner of a set-top box (Col. 6 Lines 38-

44)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide a second MHP application in said advertisement

control software, which overrides said first MHP application's control of the fast

forwarding function, in order to release control of the fast forwarding function when

users pay for the right to fast forward through advertisements (Wachtfogel: Paragraph

[0184]).

For **Claim 20** as was discussed in Claim 19, Corvin in view of Wachtfogel further

in view of De Ceulaer teaches or suggests that said second application be a Multimedia

Home Platform application.

For **Claim 25** over what was discussed in Claim 24, the combination of Corvin

and Wachtfogel teach:

    an application capable receiving a first control signal (Wachtfogel:

Paragraph [0174]) and a second control signal (Wachtfogel: Paragraphs [0173] and

[0182])

in response to receiving said first control signal, causing said application

to take exclusive control of said fast forwarding function (Wachtfogel:

Paragraph [0181]); and

in response to receiving said second control signal, causing said

application to release said exclusive control of said one of said fast forwarding

function (Wachtfogel: Paragraph [0182]).

Corvin in view of Wachtfogel does not teach:

accessing a Multimedia Home Platform system and Multimedia Home

Platform application manager in said advertisement control software; and

said application is a Multimedia Home Platform Application;

De Ceulaer teaches:

accessing a Multimedia Home Platform system (Column 1 Lines 12-15,

i.e., a MHP set-top box) and a Multimedia Home Platform application manager

(Fig. 1 Elem. 4 with Col. 6 Lines 38-43); and

a Multimedia Home Platform application controlling the tuner of a set-top

box (Col. 5 Lines 29-34 with Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to implement the disabling and releasing of the channel

switching function in response to first and second control signals as taught by Corvin in

view of Wachtfogel, by using and accessing a Multimedia Home Platform application as

taught by De Ceulaer, in order to make said disabling and releasing of channel

switching functionality an application which is portable across devices with different

operating systems and drivers (De Ceulaer: Col. 5 lines 23-30).

For **Claim 26** over what was discussed in Claim 25, Wachtfogel further teaches:

broadcaster parameters may be associated with commercials which

prevent the skipping of those commercials (Paragraphs [0169- 0170]); and

a user set of parameters associated with video content may override a

broadcaster set of parameters associated with the video content (Paragraph

[0133] Lines 1-3, which reads on providing a second application, where

application is merely a difference of software)

Corvin in view of Wachtfogel does not teach:

accessing a second application in said advertisement control software;

and causing said second application to prevent said first Multimedia Home

Platform application from obtaining exclusive control of said fast forwarding

function

De Ceulaer further teaches:

multiple set-top box MHP applications may be run on a MHP platform

(Col. 5 Lines 23-30); and

a MHP application may control the tuner of a set-top box (Col. 6 Lines 38-

44)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to access a second MHP application in said advertisement

control software, which overrides said first MHP application's control of the fast

forwarding function, in order to release control of the fast forwarding function when

users pay for the right to fast forward through advertisements (Wachtfogel: Paragraph

[0184]).

For **Claim 27** as was discussed in Claim 26, Corvin in view of Wachtfogel further

in view of De Ceulaer teaches or suggests that said second application be a Multimedia

Home Platform application.

6.   **Claims 7, 14, 21 and 28** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Corvin (US Patent Application Publication 2001/0054181) in view of

Wachtfogel (US Patent Application Publication 2007/0067800) further in view of De

Ceulaer (US Patent 6,993,727) further in view of Koepele (US Patent 5,943,605).

For **Claim 7** as discussed in Claim 5, Corvin in view of Wachtfogel further in view

of De Ceulaer teach or make obvious:

        having multiple Multimedia Home Platform applications operating on a

single set-top box (De Ceulaer: Col. 1 Lines 12-20); and

        a Multimedia Home Platform video device which allows users to pay

additional money for the ability to fast-forward during advertising (Wachtfogel:

Paragraph [0184])

Corvin in view of Wachtfogel further in view of De Ceulaer do not teach:

        the apparatus as claimed in Claim 5 wherein said advertisement control

software comprises:

        a third Multimedia Home Platform application that is capable of sending a

payment authorization from said viewer to a program broadcaster to authorize

said viewer to fast forward a recorded video program during a display of an

advertisement in said recorded video program

Koepele teaches:

transmitting billing information from a set top terminal to a video server

(Col. 2 Lines 43-49)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to send a payment authorization to a broadcaster as

taught by Koepele, using a third Multimedia Home Platform application as taught by

Corvin in view of Wachtfogel further in view of De Ceulaer in order to allow a viewer to

immediately purchase the privilege of being able to fast-forward during the display of

advertisements.

For **Claim 14** as discussed in Claim 11, Corvin in view of Wachtfogel further in

view of De Ceulaer teach or make obvious:

having multiple Multimedia Home Platform applications operating on a

single set-top box (De Ceulaer: Col. 1 Lines 12-20); and

a Multimedia Home Platform video device which allows users to pay

additional money for the ability to fast-forward during advertising (Wachtfogel:

Paragraph [0184])

Corvin in view of Wachtfogel further in view of De Ceulaer do not teach:

the video display system as claimed in Claim 11 wherein said

advertisement controlsoftware comprises:

a third Multimedia Home Platform application that is capable of sending a

payment authorization from said viewer to a program broadcaster to authorize

said viewer to fast forward a recorded video program during a display of an

advertisement in said recorded video program

Koepele teaches:

transmitting billing information from a set top terminal to a video server

(Col. 2 Lines 43-49)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to send a payment authorization to a broadcaster as

taught by Koepele, using a third Multimedia Home Platform application as taught by

Corvin in view of Wachtfogel further in view of De Ceulaer in order to allow a viewer to

immediately purchase the privilege of being able to fast-forward during advertisements.

For **Claim 21** as discussed in Claim 19, Corvin in view of Wachtfogel further in

view of De Ceulaer teach or make obvious:

having multiple Multimedia Home Platform applications operating on a

single set-top box (De Ceulaer: Col. 1 Lines 12-20); and

a Multimedia Home Platform video device which allows users to pay

additional money for the ability to fast-forward during advertising (Wachtfogel:

Paragraph [0184])

Corvin in view of Wachtfogel further in view of De Ceulaer do not teach:

the method of Claim 19 further comprising the steps of:

providing a third Multimedia Home Platform application in said

advertisement control software; and

causing said third Multimedia Home application to send a payment

authorization from said viewer to a program broadcaster to authorize said viewer

to fast forward a recorded video program during a display of an advertisement in

said recorded video program

Koepele teaches:

transmitting billing information from a set top terminal to a video server

(Col. 2 Lines 43-49)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to send a payment authorization to a broadcaster as

taught by Koepele, by providing a third Multimedia Home Platform application in said

advertisement control software as taught by Corvin in view of Wachtfogel further in view

of De Ceulaer in order to allow a viewer to immediately purchase the privilege of being

able to fast-forward during advertisements.

For **Claim 28** as discussed in Claim 23, Corvin in view of Wachtfogel further in

view of De Ceulaer teach or make obvious:

having multiple Multimedia Home Platform applications operating on a

single set-top box (De Ceulaer: Col. 1 Lines 12-20); and

a Multimedia Home Platform video device which allows users to pay

additional money for the ability to fast-forward during advertising (Wachtfogel:

Paragraph [0184])

Corvin in view of Wachtfogel further in view of De Ceulaer do not teach:

the computer-executable instructions stored on a computer-readable storage medium as claimed in Claim 23, wherein the computer-executable instructions further comprise the steps of:

accessing a third Multimedia Home Platform application in said advertisement control software; and

causing said third Multimedia Home application to send a payment authorization from said viewer to a program broadcaster to authorize said viewer to fast forward a recorded video program during a display of an advertisement in said recorded video program

Koepele teaches:

transmitting billing information from a set top terminal to a video server (Col. 2 Lines 43-49)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a payment authorization to a broadcaster as taught by Koepele, by accessing a third Multimedia Home Platform application in said advertisement control software as taught by Corvin in view of Wachtfogel further in view of De Ceulaer, in order to allow a viewer to immediately purchase the privilege of being able to fast-forward during advertisements.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wannamaker (US Patent Application Publication 2004/0031052) discloses: the

use of middleware to run multiple applications on the operating system of a set top box.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to EDWARD C. SIPPLE IV whose telephone number is

(571) 270-3414. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ES/
03/12/2008

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